



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Dean A. Schaefer

Serial No.: 10/664,524

Filed: September 16, 2003

For: TUMOR ABLATION NEEDLE WITH  
INDEPENDENTLY ACTIVATED AND  
INDEPENDENTLY TRAVERSING TINES

Group Art Unit: 3739

Confirmation No.: 4302

Examiner: Michael F. Peffley

TERMINAL DISCLAIMER UNDER 37 CFR 1.321(c)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

SCIMED LIFE SYSTEMS, INC., is the owner of all rights, title, and interest in and to the above-identified application (hereinafter, the "immediate application") pursuant to an assignment recorded in the Patent and Trademark Office to SCIMED LIFE SYSTEMS, INC. on March 26, 2003 at Reel 013515, Fame 0380.

The evidentiary documents have been reviewed, and, as of the signing of this Terminal Disclaimer, to the best of assignee's and the undersigned's knowledge and belief, SCIMED LIFE SYSTEMS, INC., is still the owner of all such rights, title, and interest. SCIMED LIFE SYSTEMS, INC., hereby disclaims, except as provided below, the terminal part of any patent granted on the immediate application that would extend beyond the term of U.S. Patent 6,638,277, and hereby agrees that any patent so granted on the immediate application shall be

enforceable only for and during such period that the legal title to said patent granted on the immediate application shall be the same as the legal title to Patent No. 6,638,277, and that this agreement is to run with any patent granted on the immediate application and be binding upon the grantee, its successors, and/or assigns.

In making the above disclaimer, SCIMED LIFE SYSTEMS, INC., does not disclaim the terminal part of any patent granted on the immediate application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent No. 6,638,277 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I, David T. Burse, of the law firm of Bingham McCutchen LLP, represent that I am a representative authorized to make this disclaimer on behalf of SCIMED LIFE SYSTEMS, INC..

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,  
BINGHAM MCCUTCHEN LLP

Dated: \_\_\_\_\_

11/4/05

By \_\_\_\_\_



David T. Burse  
Reg. No. 37,104

BINGHAM MCCUTCHEN LLP  
Three Embarcadero, Suite 1800  
San Francisco, CA 94111-4067  
(650) 849-4400  
(650) 849-4800 Fax